AUG 15 1986
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99TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
99-750

MF 240

CATHERINE AND ROBERT FOSSEZ

AUGUST 5, 1986.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FISH, from the Committee on the Judiciary, submitted the following

REPORT

ORIGINAL

[To accompany S. 290]

The Committee on the Judiciary, to whom was referred the bill (S. 290), for the relief of Catherine and Robert Fossez, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to grant the status of permanent residence in the United States to Catherine and Robert Fossez, as of the date of enactment of this act. The bill also provides for the payment of the required visa fee and prohibits any financial remuneration in connection with the legislation.

STATEMENT OF FACTS

The beneficiaries of this bill are 46 year old natives of Ireland and Belgium, respectively who last entered the United States as treaty traders April 17, 1972. Mrs. Fossez had previously been a permanent resident three years in 1965. Mr. Fossez made frequent visits to the U.S. in 1963, 1964 and 1966. He is employed as a buyer by Michelin Tire Company earning $40,000 and they have one U.S. citizen child, age 19.

A letter, with attached memorandum, dated May 23, 1984 on an identical bill to the Chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service is set forth below:

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U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, May 23, 1984.

A18-167-968.
A13-390-556.
Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 1946) for the relief of Robert Fossez and Catherine Fossez, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that visa number deductions be made.

Absent enactment of the bill, the beneficiaries, natives of Belgium and Ireland, respectively, are chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

For the Commissioner
MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 1946

The beneficiaries, Robert Fossez, a native and citizen of Belgium, was born on December 9, 1940, and Catherine Fossez, a native of Ireland and a citizen of the United Kingdom, was born on August 23, 1940. They were married on August 14, 1965 at King's Mountain, North Carolina. The date of their marriage was erroneously reported to be August 14, 1968 in our previous report of October 12, 1978. They have one child, John Robert, born in Shelby, North Carolina on August 11, 1967. The couple reside with their son in Greenville, South Carolina. Mr. Fossez is employed as a buyer for the Michelin Tire Corporation in Greenville, South Carolina at a yearly salary of approximately $40,000. Mrs. Fossez is not employed at the present time. They have assets in the United States with a reported approximate value of $53,000.

The beneficiary, Robert Fossez, first entered the United States on October 10, 1963 as a visitor for business and was authorized to remain until April 9, 1964. He then departed on July 9, 1964 and subsequently reentered as a visitor for business on July 15, 1964. He departed on June 9, 1966 and again reentered on July 18, 1966 and was authorized to remain in the United States until January 17, 1967. He was granted extensions of stay until January 16, 1968. An application for labor certification was filed in his behalf by his employer on December 5, 1967 and was ap-

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proved on April 1, 1968. On April 18, 1968, after violating the terms of his admission by remaining longer than permitted, the beneficiary was processed as a deportable alien. On July 2, 1968, the beneficiary advised that he was no longer employed in the capacity for which the labor certification was issued and that he would be leaving the United States, which he did on August 17, 1968. On September 10, 1968, the beneficiary advised this Service by mail that he no longer was interested in an immigrant visa and he intended to remain in Belgium. The sixth preference visa petition which had been filed in his behalf was terminated on September 26, 1968.

The beneficiary, Catherine Fossez, initially entered the United States on August 10, 1965 as a lawful permanent resident. She remained in the United States until she departed, with her spouse, on August 17, 1968. She subsequently remained outside the United States for more than one year, thus abandoning her status as a permanent resident.

The beneficiaries last entered the United States on April 17, 1972 as non-immigrant treaty traders and were authorized to remain, with extension, until April 18, 1975.

On April 26, 1977, the beneficiaries were found to be deportable for having overstayed the terms of their admission. They were granted the privilege of voluntary departure until July 26, 1977. On August 17, 1978, Orders to Show Cause were issued to both beneficiaries. On October 25, 1978, at deportation hearings the beneficiaries admitted deportability and made applications for suspension of deportation. The immigration judge denied the applications, based on their failure to show that deportation would result in undue hardship and their failure to establish seven years physical presence in the United States. They were granted voluntary departure until February 1, 1979 with an alternative of deportation should they fail to depart as required.

The decision of the immigration judge was appealed to the Board of Immigration Appeals on October 25, 1978, but was withdrawn on January 23, 1979.

On May 14, 1979, the beneficiaries filed a motion to reopen. The motion was granted and on November 1, 1979 both were accorded new hearings. They again made applications for suspension of deportation. Their applications were denied by the immigration judge based on their failure to prove their deportation would result in extreme hardship. The judge granted them voluntary departure until February 1, 1980. The transcription of the judge's decision was not completed until on or about November 1, 1981. At that time the judge signed the decision and set a new voluntary departure date of February 1, 1982.

On September 22, 1983, the beneficiaries were requested to report on October 11, 1983 ready for deportation.

On September 30, 1983, the attorney for the beneficiaries contacted this Service, claiming that neither he nor

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the beneficiaries had received a copy of the original decision of the immigration judge from their hearings in November 1979. A review of the files indicated that, erroneously, neither the beneficiaries nor their attorney were notified of the final decision. In view of this, on February 24, 1984, this Service filed a motion to reopen the case for the limited purpose of allowing the Service to serve copies of the judge's decision on the beneficiaries and their counsel and to grant them an additional ninety days to depart voluntarily from the United States. On April 18, 1984, the case was reopened and copies of the judge's decision were served on the beneficiaries and counsel. They were granted a ten day period to file an appeal to the decision.

Mr. and Mrs. Fossez were also the beneficiaries of S. 1875, 95th Congress and S. 181, 96th Congress.

Senator Strom Thurmond submitted the following statement in support of this bill:

STATEMENT BEFORE THE HOUSE SUBCOMMITTEE ON IMMIGRATION

It is a pleasure for me to appear before the distinguished House Subcommittee on Immigration today to speak in behalf of Robert and Catherine Fossez. I introduced S. 290, a private relief immigration bill in their behalf, on January 25, 1985. This bill was reported out of the Senate Judiciary Committee with a favorable recommendation and was subsequently passed by the Senate.

Robert Fossez is a native and citizen of Belgium. His wife, Catherine, is a native of Ireland and a citizen of the United Kingdom. They were married in 1965 at King's Mountain, North Carolina. The Fossezs left the United States in 1968 to reside in Belgium; however, Robert Fossez was readmitted to the United States in 1972 as a treaty trader and his wife Catherine was also allowed to enter.

Since that time the Fossez's have resided in Greenville, South Carolina and have raised their son, John, a U.S. citizen by birth. Robert has been employed by Michelin Tire Corporation for the past 10 years and his achievements with Michelin have been highly praised. The Fossez family has also invested in a home and have been active members in the community. Many of the outstanding members of the community have contacted me to express their concern and their support for this family.

If this private relief bill does not succeed, the Fossez family will be forced to leave the United States and abandon many investments, both financial and emotional, in their community. Their son, John, who has lived in the United States all his life and who speaks only English, will be uprooted and placed in a foreign country where he will know nothing of the language or the customs.

I appear today to ask that you allow this family to remain in the United States so that they may continue as

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productive and highly regarded members of the community. Their commitment to our Nation, the State of South Carolina and their community is evidenced by the outpouring of support from the community. I hope that you will give this bill your careful and favorable consideration.

Thank you for allowing me the opportunity to be here and to speak on behalf of this fine family.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that S. 290 should be enacted and accordingly recommends that the bill do pass.

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